



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION Nos.12370, 12372, 12375 & 12379 of 2022

M.PRABHAKARAN

[PETITIONER / ACCUSED
IN ALL THE PETITIONS]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

[RESPONDENT
IN ALL THE PETITIONS]

Crime Nos.827, 829 of 2021 & 714, 742 of 2021.

For Petitioner : M/S.C.DEEPAK KUMAR Advocate

For Respondent : MR.V.MEGHANATHAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner accused in Crime Nos.827, 829 of 2021 & 714, 742 of 2021 for offence under Section 7(1) & 7(3) of Lotteries Regulation Act, 1998 and Section 420 of IPC, filed these Anticipatory Bail petitions.

2. The contention of the petitioner is that the respondent police has foisted a false case against the petitioner as though the petitioner was dealing with the Kerala Lottery Tickets which is banned in the state of Tamil Nadu and some fake lottery tickets have been recovered. There are totally two accused in this case and the petitioner is arrayed as A2.

3. The learned counsel for the petitioner submits that in most of the cases, the petitioner has been arrayed as an accused on confession of A1 who is a vendor, from whom recovery has been made. From the petitioner no recovery has been made. He further submitted that on the same day, two cases in Crime Nos.827 & 829 of 2021 has been registered. Hence, he filed these anticipatory bail petitions.



4. Learned Additional Public Prosecutor submits that the petitioner, apart from these four cases, involved in another four cases. The petitioner has been continuously indulging in sale of lottery tickets which is banned in the state of Tamil Nadu. The petitioner has engaged the vendors and through vendors, he has been selling the lottery tickets to the innocent people and thereby cheating them and also making them to suffer badly. He further submitted that several lottery tickets have been seized from the vendor. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the nature of case and the fact that lottery tickets have been seized from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties for all the above cases, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
26/05/2022

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

+4 CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges SR.Nos.8016, 8017, 8018, 8019

CRL OP.NOS.12370, 12372, 12375 &
12379 of 2022

Date :26/05/2022

TA-02/06/2022